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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032  
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|   |  |                     |  |                |  |
|---|--|---------------------|--|----------------|--|
| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><br><i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> |  | Attorney Docket No. |  | GUID-024CON9   |  |
|   |  | First Inventor      |  | Paul A. Spence |  |
|   |  | Title               | Device to Permit Offpump Beating Heart Coronary Bypass Surgery   |                |  |
|   |  |                     | Express Mail Label No.   |                |  |
| <b>APPLICATION ELEMENTS</b><br><br><i>SEE MPEP chapter 600 concerning utility patent application contents.</i>                      |  |                     | <b>ADDRESS TO:</b><br>Commissioner for Patents<br>Box Patent Application<br>P.O. BOX 1450, Alexandria, VA 22313-1450 |                |  |

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages: 66]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Pages: 11]
5. Oath or Declaration [Total Pages: 3]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
Named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6.  Application Data Sheet. See 37 CFR 1.76
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
*if applicable, all necessary*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

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9.  Assignment Papers (cover sheet & documents(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document *(if applicable)*
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16.  Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Non Publication Request

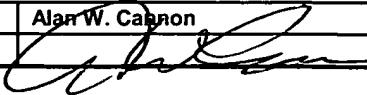
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/956,418 Filed on 09/18/2001

Prior application information: Examiner: Michael B. Priddy Group Art Unit: 3732

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

|   |   |   |           |  |                  |
|---|---|---|-----------|--|------------------|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label |   | 38154<br><i>(Insert Customer No. or Attach bar code/label here)</i> |           | or <input type="checkbox"/> Correspondence address below |                  |
| Name  |   | Alan W. Cannon  |           |  |                  |
| Address   |   | LAW OFFICE OF ALAN W. CANNON  |           |  |                  |
|   |   | 834 S. Wolfe Road   |           |  |                  |
| City  |   | Sunnyvale   | State     | California   | Zip Code         |
| Country   |   | U.S.A.  | Telephone | (408) 736-3554   | Fax              |
| Name  | Alan W. Cannon  |   |           | Registration No. (Attorney/Agent)                        | 34,977           |
| Signature   |  |   |           | Date   | OCTOBER 31, 2003 |

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box 1450 Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

## for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 770.00)

| Complete if Known    |                |
|----------------------|----------------|
| Application Number   | Unassigned     |
| Filing Date          | Herewith       |
| Confirmation Number  | Unassigned     |
| First Named Inventor | Paul A. Spence |
| Examiner Name        | Unassigned     |
| Art Unit             | Unassigned     |
| Attorney Docket No.  | GUID-024CON9   |

**METHOD OF PAYMENT** (check all that apply) Check  Credit Card  Money Order  Other  None Deposit Account:

Deposit Account Number 50-2653

Deposit Account Name Law Office of Alan W. Cannon

The Commissioner authorized to: (check all that apply)

 Charge fees indicated below  Credit any overpayments Charge any additional fee(s) during the pendency of this application Charge fees indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

| Fee Code | Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|----------|-----------------------|-----------------------|--|----------|
| 1051     | 130                   | 2051                  | 65 Surcharge – late filing fee or oath                         |          |
| 1052     | 50                    | 2052                  | 25 Surcharge – late provisional filing fee or cover sheet      |          |
| 1053     | 130                   | 1053                  | 130 Non-English specification                                  |          |
| 1812     | 2,520                 | 1812                  | 2,520 For filing a request for ex parte reexamination          |          |
| 1804     | 920*                  | 1804                  | 920* Requesting publication of SIR prior to Examination action |          |
| 1805     | 1,840*                | 1805                  | 1,840* Requesting publication of SIR after Examiner action     |          |

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description                | Fee Paid        |
|----------------------------|----------------------------|--------------------------------|-----------------|
| 1001                       | 770                        | 2001 385 Utility filing fee    | <b>770.00</b>   |
| 1002                       | 330                        | 2002 165 Design filing fee     |                 |
| 1003                       | 520                        | 2003 260 Plant filing fee      |                 |
| 1004                       | 750                        | 2004 375 Reissue filing fee    |                 |
| 1005                       | 160                        | 2005 80 Provisional filing fee |                 |
| <b>SUBTOTAL (1)</b>        |                            |                                | <b>\$770.00</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | 7 -20** = 0 | x 18 | = 0 |
|--------------------|-------------|------|-----|
| Indep. Claims      | 3 -3** = 0  | x 84 | = 0 |
| Multiple Dependent |             |      |     |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description   | Fee Paid |
|----------------------------|----------------------------|---|----------|
| 1202                       | 18                         | 2202 9 Claims in excess of 20                                     |          |
| 1201                       | 86                         | 2201 42 Independent claims in excess of 3                         |          |
| 1203                       | 280                        | 2203 140 Multiple dependent claim, if not paid                    |          |
| 1204                       | 84                         | 2204 42 ** Reissue independent claims over original patent        |          |
| 1205                       | 18                         | 2205 9 ** Reissue claims in excess of 20 and over original patent |          |
| <b>SUBTOTAL (2) \$ 0</b>   |                            |   |          |

\*\*or number previously paid, if greater; For Reissues, see above

Other fee (specify) Terminal Disclaimer

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 0)**

| SUBMITTED BY      |   | Complete (if applicable)             |        |                          |
|-------------------|---|--------------------------------------|--------|--------------------------|
| Name (Print/Type) | Alan W. Cannon  | Registration No.<br>(Attorney/Agent) | 34,977 | Telephone (408) 736-3554 |
| Signature         |  |                                      | Date   | October 31, 2003         |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450